

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff)	CIVIL ACTION NO.
v.)	
)	<u>COMPLAINT</u>
LEONA'S PIZZERIA, INC.)	
)	<u>JURY TRIAL DEMAND</u>
Defendant.)	

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the "Commission") brings this action pursuant to Title VII of the Civil Rights Act of 1964, as amended, to remedy the breach of a Conciliation Agreement resolving a charge of discrimination filed with the Commission. The Commission alleges that it entered into a Conciliation Agreement with Defendant Leona's Pizzeria, Inc. ("Defendant") on or about July 3, 2012, in resolution of a charge filed by Charging Party, Angela Flores. The Commission further alleges that Defendant breached the Conciliation Agreement by failing and refusing to abide by the terms thereof.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3).
2. The breach of contract alleged to be unlawful was committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is authorized to bring this lawsuit pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been an Illinois corporation doing business in the State of Illinois and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. On April 7, 2008, Angela Flores filed Charge of Discrimination No. 440-2008-04570 with the Commission, alleging violations of Title VII by Defendant. In her charge, Flores alleged that she was subjected to sexual harassment by Defendant. Flores further alleged that she was discharged in March 2008 in retaliation for engaging in protected activity.

7. The Commission investigated Flores’ charge, and issued a determination letter dated January 24, 2012. In the determination letter, the Commission found reasonable cause to believe that Defendant had violated Title VII by subjecting Flores and a class of female employees to sexual harassment. The Commission thereafter successfully resolved the sexual harassment claim through the voluntary conciliation process provided for by Title VII with Defendant and Flores. The terms of the settlement were memorialized in a written “Conciliation Agreement” signed by Defendant on June 28, 2012, Flores on July 3, 2012, and the Commission on July 3, 2012. A true and correct copy of the Conciliation Agreement is attached hereto as Exhibit A and incorporated herein by reference.

8. Under the terms of the Conciliation Agreement, Defendant was required to: (1) implement and post a non-discrimination policy within fifteen (15) days of the final execution of the Conciliation Agreement; (2) conduct annual training on Title VII and propose a trainer within 15 days of the final execution of the Conciliation Agreement; (3) post notice of the Conciliation Agreement within 15 days of the final execution of the Conciliation Agreement; (4) pay Angela Flores forty thousand dollars (\$40,000) in monetary damages within ten days of receipt of the final executed Conciliation Agreement from EEOC; and (5) pay a class of three female employees a total of thirty-five thousand dollars (\$35,000) in monetary damages within ten days of receipt of the final executed Conciliation Agreement from EEOC. The parties also agreed that the non-monetary provisions of the Conciliation Agreement were to remain in effect for five (5) years from the date of the execution of the Conciliation Agreement. Since July 2012, Defendant has breached the Conciliation Agreement by failing and refusing to comply with the terms thereof. Specifically, Defendant has failed to comply with each of the above terms, as required by the Conciliation Agreement.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a judgment ordering Defendant to pay Angela Flores forty thousand dollars (\$40,000), the amount of damages Defendant negotiated and agreed to pay, plus prejudgment interest;

B. Grant a judgment ordering Defendant to pay the class of sexual harassment victims thirty-five thousand dollars (\$35,000), the amount of damages Defendant negotiated and agreed to pay, plus prejudgment interest;

C. Order Defendant to make whole Angela Flores by providing her compensation for any past and future pecuniary losses resulting from the breach of the Conciliation Agreement attached hereto as Exhibit A, in amounts to be determined at trial;

D. Grant a judgment ordering Defendant to pay the legal costs associated with the collection of the amount due and owing;

E. Order Defendant to adhere to the terms of the Conciliation Agreement for five (5) years from the date of the Order;

F. Grant such further relief as the Court deems necessary and proper in the public interest; and

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

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Associate General Counsel

/s/ John C. Hendrickson
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